

Public Chapter 485

HOUSE BILL NO. 1325

By Representatives Arriola, Walley, Eckles, Halteman Harwell, Pruitt

Substituted for: Senate Bill No. 794

By Senator Henry

AN ACT to amend Tennessee Code Annotated, Title 63, Chapter 22, relative to clinical pastoral therapists, and professional counselors and marital and family therapists.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 63-22-101, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) There is hereby created the board for professional counselors, marital and family therapists, and clinical pastoral therapists, hereinafter referred to as the "board".

SECTION 2. (a) Tennessee Code Annotated, Section 63-22-101(b), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) The Tennessee Association for Counseling and Development, the Tennessee Association for Marriage and Family Therapy, and the Tennessee Association of Pastoral Therapists each may provide the Governor with a list of four (4) candidates. The Governor may appoint members from each list.

(b) Tennessee Code Annotated, Section 63-22-101(c), is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) With the exception of the citizen-at-large member, at least three (3) months before expiration of any board member's term, the Tennessee Association for Counseling and Development, the Tennessee Association for Marriage and Family Therapy, and the Tennessee Association of Pastoral Therapists each may submit to the Governor a list of persons eligible for appointment, in number not less than twice the number of appointments to be made.

(c) Tennessee Code Annotated, Section 63-22-101, is amended by adding a new subsection thereto, as follows:

( ) In making appointments to the board, the Governor should consider the importance of geographical diversity to this board. Whenever practicable, the Governor shall strive to ensure that members on the board are from each of the three (3) grand divisions of the State.

SECTION 3. Tennessee Code Annotated, Section 63-22-101(c)(2), is amended by deleting such subdivision in its entirety and by substituting instead the following:

(2) With the exception of the citizen-at-large member, at least three (3) months before expiration of any board member's term, the Tennessee Association for Counseling and Development, the Tennessee Association for Marriage and Family Therapy, and the Tennessee Association of Pastoral Therapists may submit to the Governor a list of persons eligible for appointment, in number not less than twice the number of appointments to be made.

SECTION 4. Tennessee Code Annotated, Section 63-22-102, is amended by adding the following new subdivisions thereto:

(12) Review the credentials of clinical pastoral therapist applicants to determine if they are eligible for certification upon payment of a non-refundable review fee as set by the board;

(13) Prepare or select and administer examinations to clinical pastoral therapy applicants for certification;

(14) Certify clinical pastoral therapists who satisfy the requirements of Section 8 of this act;

SECTION 5. Tennessee Code Annotated, Section 63-22-114, is amended by deleting the language "or licensed professional counselors" and by substituting instead the language and punctuation ", licensed professional counselors or certified clinical pastoral therapists".

SECTION 6. Tennessee Code Annotated, Title 63, Chapter 22, is amended by adding a new section thereto, as follows:

Section\_\_\_\_. The following definitions shall apply in this section, unless the context clearly requires a different meaning:

(1) "Advertise" means, but is not limited to, business solicitations, with or without limiting qualifications, in a card, sign, or device issued to a person; in a sign or marking in or on any building; or in any newspaper, magazine, directory, or other printed matter. Advertising also includes business solicitations communicated by individual, radio, video, or television broadcasting or other means designated to secure public attention;

(2) "Approved supervisor" means a person who is a certified clinical pastoral therapist and either a Diplomat of the American Association of Pastoral Counselors, a Fellow of the American Association of Pastoral Counselors who is under supervision of a supervisor, or a board-approved clinical pastoral therapy supervisor;

(3) "Approved training program" means a clinical training program accredited by the American Association of Pastoral Counselors;

(4) "Board-approved clinical pastoral therapy supervisor" means a person who gives the board evidence of:

(A) Five (5) years' full-time experience in clinical pastoral therapy practice and supervision;

(B) One hundred twenty-five (125) hours of supervision specifically in the skill of providing supervision to clinical pastoral therapists; and

(C) A recommendation for board-approved supervisor status from a supervisor who had provided supervision of the supervision referred to in subdivision (a)(4)(B);

(5) "Clinical pastoral education" means program of training designed to acquaint students of theology and practicing clergy with the clinical method of learning, increase skills in the arts of pastoral care, and facilitate integration of a professional pastoral identity. Programs typically occur in general medical, psychiatric, or penal institutions;

(6) "Clinical pastoral therapy" means the diagnosis and treatment, from a clinical pastoral perspective, of the psychodynamics, interpersonal dynamics and spiritual dynamics of persons experiencing emotional behavioral or relational distress or dysfunction. Clinical pastoral therapy involves the integration and professional application of resources and techniques from the religious community's traditions of pastoral care and counsel along with recognized principles, methods and procedures of the contemporary psychotherapy community in the deliver of counseling and psychotherapeutic services to individuals, couples, families and groups;

(7) "Certified clinical pastoral therapist" means a person who has met the qualifications for certified clinical pastoral therapist and holds a current, unsuspended or unrevoked certificate which has been lawfully issued by the board;

(8) "Practice of clinical pastoral therapy" means the rendering of professional clinical pastoral therapy to individuals, couples, families, or groups, either offered directly to the general public by an individual operating independently of any institution, organization, or agency; or through mental health clinics or agencies (whether public or private); or through hospitals (whether public or private), for a fee (excluding volunteer hours);

(9) "Recognized educational institution" means any educational institution that is accredited by a nationally or regionally recognized educational accrediting body;

(10) "Supervision" means the direct clinical review, for the purpose of training or teaching, by an approved supervisor, of a clinical pastoral therapist's interaction with clients. The purpose of supervision shall be to promote the development of the practitioner's clinical skills. Supervision may include, without being limited to, the review of case presentations, audiotapes, videotapes and direct observation; and

(11) "Use a title or description of" means to hold oneself out to the public as having a particular status by means of stating on signs, mailboxes, address plates, stationery, announcements, business cards or other instruments of professional identification.

SECTION 7. Tennessee Code Annotated, Title 63, Chapter 22, is amended by adding a new section thereto:

(a) Except as specifically provided in Section 9, beginning January 1, 1998, no person who is not certified as a clinical pastoral therapist under this chapter shall:

(1) Advertise that the performance of clinical pastoral therapy services is by a certified clinical pastoral therapist; or

(2) Use the title "certified clinical pastoral therapist" to denote that the person is a certified clinical pastoral therapist.

(b) Any person who engages in any unlawful act enumerated in this section is guilty of a Class B misdemeanor.

(c) The Department of Health may institute appropriate proceedings, in law or equity, to enjoin any person from engaging in any unlawful act enumerated in this section, such action or proceeding to be brought in the circuit or chancery court of the county in which the unlawful act occurs or in which the defendant resides.

(d) Nothing in this section shall be construed as permitting any person certified as a clinical pastoral therapist to engage in the practice of "licensed psychological examiner", "licensed psychologist", "certified master social worker", or "licensed independent practitioner of social work", as defined in the laws of this State.

(e) Nothing in this section, except in subsection (b), applies to any person regulated by the board of nursing.

(f) Nothing in this section shall be construed as permitting a certified clinical pastoral therapist to prescribe medications or to interpret psychological tests intended to measure and/or diagnose mental illness.

(g) Certified clinical pastoral therapists shall establish and maintain effective working relationships with an interdisciplinary network of professionals, including at least one (1) psychologically-oriented physician, usually a psychiatrist, with an unlimited license to practice the healing arts in Tennessee, in order to make provision for referral for the diagnosis and treatment of medical or mental conditions falling outside the scope of clinical pastoral therapy as defined in Section 6(6) of this act.

SECTION 8. Tennessee Code Annotated, Title 63, Chapter 22, is amended by adding a new section thereto, as follows:

Section \_\_\_\_\_. An applicant for certification as a certified clinical pastoral therapist shall pay the board a non-refundable fee as set by the board and shall satisfy the board that the applicant:

(1) Is at least eighteen (18) years of age;

(2) Is of good moral character;

(3) Has met the educational standards set by the board which shall include:

(A) Completion of a minimum of one hundred twenty (120) graduate semester hours from a recognized educational institution of which sixty (60) graduate semester hours shall be in a course of studies in clinical pastoral therapy as designated by the board, of which nine (9) graduate semester hours must relate specifically to the diagnosis and treatment of mental disorders;

(B) The awarding of the Master of Divinity (M.Div.) degree or its equivalent;

(C) The awarding of an advanced degree (either a master's or doctoral degree) in pastoral therapy or a closely related field;

(D) Completion of a practicum consisting of at least one (1) unit of full-time clinical pastoral education in a program accredited by the Association for Clinical Pastoral Education; and

(E) Completion of an internship consisting of at least two (2) years of clinical pastoral therapy training in an approved training program;

(4) Has provided a minimum of one thousand four hundred (1,400) hours of pastoral therapy with individuals, couples, families and/or groups while receiving a minimum of two hundred seventy (270) hours of supervision of such therapy with an approved supervisor; and

(5) Has passed the examination published by the national Pastoral Counselor Examination Board or other such examination as approved by the board.

SECTION 9. Tennessee Code Annotated, Title 63, Chapter 22, is amended by adding the following as a new section thereto:

Section \_\_\_\_\_. (a) Nothing in this chapter shall be construed as limiting the ministry, activities, or services of a rabbi, priest, minister of the gospel or others authorized by a regularly organized and functioning religious body in performing the ordinary duties or functions of the clergy. Nor shall any rabbi, priest, or minister who offers counseling services, even if fees are charged, be subject to the limitations of this chapter, as long as they do not hold themselves out as certified pastoral therapists or certified pastoral counselors and as long as they do not purport to provide the integration and professional application of resources and techniques from the religious community's traditions of pastoral care and counsel along with recognized principles, methods and procedures of clinical psychotherapy.

(b) The provisions of this chapter do not apply to a person if the person is preparing for the practice of clinical pastoral therapy under qualified supervision in a training institution or facility or supervisory arrangement recognized and approved by the board; provided, that such person is designated by such titles as "pastoral therapy intern", "pastoral therapy trainee", or others, clearly indicating such training status.

(c) Nothing in this chapter shall be construed to prevent qualified members of other professional groups as defined by the board, including, but not

limited to, licensed clinical social workers, licensed psychologists, licensed psychological examiners, psychiatric nurses, physicians, or attorneys at law, from performing or advertising that they provide or offer counseling services consistent with the accepted standards of their respective professions nor to prevent alcohol and drug abuse counselors licensed under Section 68-24-601 or operating under qualified supervision while seeking such licensure from doing counseling consistent with the accepted standards of such profession.

SECTION 10. Tennessee Code Annotated, Title 63, Chapter 22, is amended by adding the following as a new section thereto:

Section \_\_\_\_\_. (a) The board may enter into a reciprocal agreement with any other state that licenses, certifies or registers clinical pastoral therapists, if the board finds that such state has substantially the same or higher certification requirements than Tennessee. This agreement shall provide that the board may certify without examination any resident of another state who is currently licensed, certified, or registered by the state, if that resident has met the same or higher requirements as provided herein.

(b) The board may certify by endorsement a clinical pastoral therapist applicant who is a Fellow or Diplomate of the American Association of Pastoral Counselors if that person otherwise meets the requirements of this chapter.

(c) The board may also certify by endorsement a clinical pastoral therapist applicant who is:

(1) Certified as a Member of the American Association of Pastoral Counselors;

(2) Can document five (5) years of full-time practice in pastoral therapy subsequent to that certification; and

(3) Otherwise meets the requirements of this chapter.

SECTION 11. Tennessee Code Annotated, Title 63, Chapter 22, is amended by adding the following as a new section thereto:

Section \_\_\_\_\_. Until January 1, 2000, applicants who can document satisfaction of the requirements of Section 8, subdivisions (1) through (4), or who can document having received a graduate theological degree from a recognized educational institution and are currently licensed in Tennessee as a psychologist designated as a health service provider, a professional counselor designated as a mental health service provider, a marital and family therapist, a clinical social worker, or an alcohol and drug abuse counselor, and who can document being actively engaged in the practice of clinical pastoral therapy for at least five (5) years prior to January 1, 1998, shall be entitled to receive certification as a certified clinical pastoral therapist pursuant to this act.

SECTION 12. For the purpose of making appointments to the board, this act shall take effect upon becoming a law, the public welfare requiring it. For all other purposes this act shall take effect January 1, 1998, the public welfare requiring it.